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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,749	10/08/2001	Charles D. Gollnick	14408US01	5342
7590	06/17/2005		EXAMINER	
CHRISTOPHER C WINSLADE MCANDREWS HELD & MALLOY 500 W MADISON STREET SUITE 3400 CHICAGO, IL 60661			VUONG, QUOCHIEN B	
			ART UNIT	PAPER NUMBER
			2685	
			DATE MAILED: 06/17/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/972,749	GOLLNICK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Quochien B Vuong	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/02/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 01/02/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 6, 7, and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alvarez, III et al. (US 4,332,026) in view of Freeburg (US 4,850,032).

Regarding claim 1, Freeburg discloses a data communication system (figure 1) having a plurality of mobile transceiver units (190) communicative with a base transceiver unit (130-132), a network controller (102) intercommunicative between the base transceiver units and one or more host computer (180) for data interchange therebetween (column 2, lines 9-43), and having port means providing interface (figure 2, items 502, 504-507) (column 3, lines 11-22). Freeburg does not specifically disclose the ports means providing interface at a relative low data rate and at a relative high data rate. However, Alvarez, III et al. disclose a network controller having ports means providing interface at a relative low data rate and at a relative high data rate (figure 4; column 11, lines 27-61; and the abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Alvarez, III et al. to Freeburg, in order to provide and support different data rate services.

As to claims 2, 7, figures 1 and 2 of Freeburg read on the claimed limitation.

As to claim 3, Freeburg discloses the controller communicates with the base transceiver units by an RS232C (figure 2).

As to claim 4, as Freeburg is modified with Alvarez, III et al. for the reasons as set forth above, it would read on the claimed limitation of a multiplicity of data communication ports thereon and at least two of the communication ports being software-controllable to select among a plurality of interface means (Alvarez, III et al. requires that the network controller unit operates with multiple data rates).

As to claim 6, the above combination of Freeburg and Alvarez, III et al. fails to disclose a spread spectrum means as claimed. The examiner takes Official Notice that such a spread spectrum means is known in the art for the purpose of reducing noise and interference. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above combination as claimed, in order to reduce noise and interference in the data communication system.

As to claim 9, as set forth above, Freeburg and Alvarez, III et al. as a whole does include multiple data rate interface means including RS232. Freeburg and Alvarez, III et al. fail to disclose RS485, RS422, V.35. The examiner takes Official Notice that all of the above interface means are known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above combination as claimed, so that the data communication system can be easily implemented with interface means already existing in the market.

As to claims 10-12, and 15-16, they are rejected for the same reasons as set forth in claims 3 and 9 above.

As to claims 13, 18, the combination of Freeburg and Alvarez, III et al. fails to disclose more than one host computer or a second data processor. The examiner takes Official Notice that using more than one host computer or a second data processor in a data communication system is known in the art for the purpose of increasing the system capacity. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above combination as claimed, so that more data can be communicated within the system.

As to claims 14, 19, figures 1-2 of Freeburg read on the claimed limitation.

As to claim 17, the combination of Freeburg and Alvarez, III et al. fails to disclose a diagnostic device as claimed. The examiner takes Official Notice that such a diagnostic device is known in the art for the purpose testing or monitoring the system operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above combination as claimed, in order to testing or monitoring the system operation.

As to claim 20, Freeburg and Alvarez, III et al. fail to expressly disclose the data processor also operating with multiple data rates. However, since the network controller of Freeburg and Alvarez, III et al. operates with more than one data rate, those skilled in the art would have appreciated that the data processor should also operate with multiple data rates in order to be compatible with the network controller. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above combination as claimed, so that the data processor and network controller can properly communicate with each other.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeburg in view of Alvarez, III et al. as applied to claim 4 above, and further in view of Harrison (US 5,181,200).

As to claim 5, the above combination of Freeburg and Alvarez, III et al. fails to disclose a serially interconnection over a single twisted pair as claimed. Such a serially interconnection, however, is known in the art as described by Harrison (see figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Harrison to the above combination, in order to have a simple way of interconnecting the base transceiver units. Freeburg, Alvarez, III et al., and Harrison do not specifically disclose interconnection over a single twisted pair. However, the examiner takes Official Notice that interconnection over a single twisted pair is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above combination as claimed, so that the data communication system can be easily implemented over the single twisted pair.

As to claim 8, as set forth above, Freeburg and Alvarez, III et al. as a whole does include multiple interface means, but fails to disclose the above interface means being RS485. The examiner takes Official Notice that all of the above interface means are known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above combination as claimed, so that the data communication system can be easily implemented with interface means already existing in the market.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QUOCHIEN B. VUONG  
PRIMARY EXAMINER

Quochien B. Vuong

June 09, 2005.